

BE&K • DELAWARE
A Subsidiary of BE&K, Inc.
Engineering and Construction



CONFIDENTIAL

February 5, 1993

Mr. J. Obed Perez
9 Timber Ridge Court
Newark, DE 19711

Dear Mr. Perez:

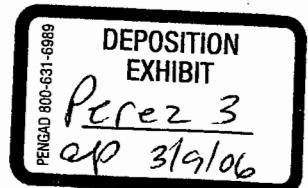
We are pleased to confirm your anticipated employment as a Senior Engineer. The salary is \$5,400.00 per month. Your report date is February 22, 1993.

As outlined in the enclosed BE&K Drug Abuse Policy, BE&K has taken a positive approach to preventing drug abuse in the work place. It is our desire and goal to provide and maintain a drug free work environment for all BE&K employees. Therefore, in accordance with this policy, your employment is conditional upon your passing a pre-employment urine drug screen test. The test can be administered at Spectra Care, 324 East Main Street, Suite 202, Newark, DE, (302) 738-0103. Call first to make an appointment and be sure to take a photo ID with you. Your expected report date cannot be confirmed until the results of this test have been reported to BE&K. In order to ensure these results have been received prior to your expected report date, you should allow at least ten (10) working days from the time the test is administered until the results can be reported to BE&K.

When you report to work please bring two forms of identification for the completion of the enclosed I-9 form. If you do not have the documents, you must apply for these immediately. You must present us with a receipt within three (3) days of your hire that confirms you have applied for the documents, and within twenty-one (21) days of your hire date, we must have the actual documents. The law is very clear - we cannot employ anyone who does not furnish these documents within the required time period.

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B 1



242 Chapman Road • Ashford Building • Newark, DE 19702

P. O. Box 8255 • Newark, DE 19714-8255 • (302) 452-9000 • FAX (302) 452-9007
EEOC00000000140

CONFIDENTIAL

Mr. J. Obed Perez
February 5, 1993
Page 2

Obed, we look forward to your joining BE&K and are confident that this will be a mutually beneficial association. Please acknowledge your understanding of this letter by signing one copy and returning it to me.

The information contained in this letter is "confidential". Please ensure the confidentiality of your salary.

Should you have any questions or if there is anything we can do to help make your transition to BE&K a smooth one, please call me.

Sincerely,

Mary E. Rathje
Mary E. Rathje
Manager, Human Resources

MER:sh

Enclosures

cc: Gary Jones

Acknowledged

J. Obed Perez
Signature

Report Date

2/22/93

Date Signed

2/8/93

CONFIDENTIAL

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EEOC00000000141



Department No.	561
Division No.	75

Performance Planning and Review

Employee's Review

Part I

(Self-evaluation by employee being reviewed)

Employee Name:	Juan Obed Perez	Employee Number:	32364
Supervisor:	Pete Howe	Review Date:	02/12/02

Attach additional pages if necessary.

Year in Review:

- What have you accomplished and how have you grown this past year based on the development action plan set last year?

Refer to attachment.

Performance:

- What are your greatest strengths?

My Process Engineering skills and technical experience are my greatest strengths.

- How do you contribute to your safety and that of others?

By being well informed of the particular office/plant safety regulations and making sure that these safety regulations are followed by myself and others working with me.

- What are the areas in which you need improvement?

The areas that I feel I need improvement are in project management and cost control.

Development:

- How do you plan to address the needed improvement?

There are two ways I could improve in these areas: 1) On the job training 2) Formal Project Management/Cost Control seminars or courses.

What assistance do you need from your supervisor or others?

Provide a course in Project Management/Cost Control either in-house or outside.

Career Goals:

- What are your short and long range career goals?

My short term career goals are:

- 1) To expand my knowledge of the BE&K project execution methodology.
- 2) Obtain the Professional Engineer Certification.
- 3) Improve my Technical and managerial skills

My long term career goals is:

- 1) To be able to successfully manage bigger and more complex projects

- Does your current position fit into that career goal? Yes

- What do you believe is needed to enhance your opportunity to achieve your goal?

Determination from my part and management guidance and support.

- What will you do to make progress in meeting those goals?

I will take advantage of every opportunity (work assignments) given to me in the pursue of my goals.

Diversity:

- How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?

By treating people with respect. Treating people the way they want to be treated.

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- Explain how you have used opportunities to promote the concept of diversity.

The most effective way that I have promoted the concept of diversity is by my own example in treating others (independently of race, sex, age, religion or disability).

- Provide examples of how you effectively develop the diverse candidates under your supervision.

The development of a diverse candidate under my supervision should not be that much different from any other non-diverse candidate. I will work with the candidate to determine his or her professional strengths and areas of improvement. I will provide the necessary resources and opportunities for his/her professional development. I will treat the diverse candidate with fairness and respect as I will treat any other candidate under my supervision.

Development Action-Plan: (to be established with your supervisor)

Obed to concentrate on passing the PE exam, and BE&K will support him with this effort.

Obed to be given the opportunity to work on the CCR Vent Scrubber and to develop project engineering skills under the direction of Tony Sinibaldi and John Trexler.

Supervisor

Date 2/12/02

EEOC00000000125



Department No.	561
Division No.	75

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Juan Obed Perez	Employee Number:	32364
Supervisor:	Pete Howe	Review Date:	02/12/02

Attach more pages if necessary.

Year in Review:

- > What were employee's accomplishments as related to last year's development action plan?

Obed has worked on numerous projects over the past year ranging from purely Technical in nature to Project Engineering Roles. Obed has also provided a very important and successful Business Development link with the local Refining community. Obed has been instrumental in bringing refining work to this office.

- > Did the employee make appropriate progress this year? Explain.

Obed has performed very well in the technical role, and is developing Project Engineering Skills. Further development is required in the Project Engineering skills to be able to perform consistently in these roles.

Performance:

- > Identify employee's strengths.

Technical Basis and the will to learn.

- > Does this employee work safely? Yes

- > Identify employee's area(s) of needed improvement.

Obed needs to work on the Project Engineering skills and leadership of projects. Obed's technical strengths are excellent, but continuous improvement in technical training is required.

Development:

- > What are the areas in which development and growth are needed?

Project Engineering / Lead Engineering skills. Obed needs to continue to learn how to put together estimates, manage schedule, and drive a project.

- > What do you suggest to assist the employee in these areas?

Continue to support Obed in developing these skills, and to provide opportunities for him to do so.

Diversity:

- > How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?

Obed has always treated people with respect.

- > List the accomplishments that demonstrate such commitment.

N/A

Career Goals:

- > Comment on your evaluation of employee's potential in chosen career path.

Obed needs to continue in Technical development and needs to develop project skills to become a lead engineer on the short to medium term. Project Management direction will depend on success in the Discipline lead areas.

- > What are your recommendations for development of the employee toward this goal?

Provide Obed with opportunities for technical training and discipline leadership. Obed will get this opportunity in working as the lead Process Engineer on the Motiva CCR vent scrubber under the leadership of Tony Sinibaldi and John Trexler.

Performance Criteria Rating (A, B, C, or D; use of + and - encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: B	Rating: A (Business Dev)	Rating: B	Rating: B	Rating: B-	Rating: B

Supervisor

Date

2/12/02

Employee

Date

02-12-02

Comments

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ACCOMPLISHMENTS
FOR 2001

List of Accomplishments for the review year of 2001 (Based on the development action plan set last year):

- 1) Acquired a higher level of understanding of the BE&K's project execution methodology by managing a few small projects for DuPont and General Chemical. Some of the main project activities included the coordination of engineering disciplines, scheduling, cost control and estimating.
- 2) Performed safe project execution by making sure that the particular plant safety guidelines were followed by myself and by all the disciplines involved in the project.
- 3) Made sure that the development of the P&ID's for the Waste Water project at Edge-moor was extrictly controlled by the Process Discipline. Controlled changes made to the to P&ID's through the "management of change" procedure.
- 4) Influential in enhancing our position with Motiva Refinery through personal contacts, such as the Motiva Engineering Manager (Bill Bell) and the project engineer (Al Wujcik) who is in charge of the two major projects that were awarded to BE&K.

Also assisted the BE&K Business Development Group in building-up a business relationship with the Phillips Petroleum Refinery in Trainer, PA and in Linden, New Jersey through personal contacts.

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J.Obed Perez
February 12, 2002
EE000000000127



Department No.	561
Division No.	75

Performance Planning and Review Employee's Review

Part I

(Self-evaluation by employee being reviewed)

Employee Name:	Michael D. Tweed	Employee Number:	34480
Supervisor:	Pete Howe	Review Date:	2/18/2003

Attach additional pages if necessary.

Year in Review:

- What have you accomplished and how have you grown this past year based on the development action plan set last year?

1) Completed Relief Device documentation packages for the DuPont Stine Haskell facility. 2) Conducted a Process Cooling Water Study for DuPont Mt. Clemens facility. 3) Completed Relief Device documentation packages for the DuPont Fort Madison facility. 4) Currently, coordinating: a.) a small interdisciplinary effort to address PHA recommendations for the Powerhouse and Tank farm at DuPont's Stine Haskell Facility, and b.) an effort to develop a set of material and energy balance flowsheets for the DuPont Front Royal facility. Gradually, I have become more involved in directing small project efforts.

Performance:

- What are your greatest strengths?

1) Technical Competency 2) Planning 3) Ability to communicate and work with a wide cross-section of people from different backgrounds 4) Attitude geared towards achieving client satisfaction.

- How do you contribute to your safety and that of others?

I hold safety as a top priority whenever involved with project design functions. I observe any and all home office safety protocols.

- What are the areas in which you need improvement?

1) Need to become more proficient in understanding E & I disciplines in the implementation of process strategy. 2) Need to improve organizational approach to large project execution.

Development:

- How do you plan to address the needed improvement?

1) Through observation and inquiry with knowledgeable people while performing normal and ongoing job functions.

2) By implementing new strategies based on lessons learned from past projects.

- What assistance do you need from your supervisor or others?

1) Access to new project experiences. 2) Access to coursework or seminars whose topics are applicable to my job function.

Career Goals:

- What are your short and long range career goals?

Long range goal: To manage and participate in the development and execution of large engineering projects.

Short range goal: To develop the knowledge and skills necessary to execute large engineering projects (i.e. long range goal).

- Does your current position fit into that career goal?

My current position and its current attendant responsibilities are consistent with my goals for future growth and development.

- What do you believe is needed to enhance your opportunity to achieve your goal?

1) Access to new projects that give exposure to variations in: responsibilities, interdisciplinary interaction, and specific job functions.

- What will you do to make progress in meeting those goals?

I will continue to conduct myself professionally in all interactions with our clients to enhance the potential for repeat business.

I will execute my work with technical competency, seek advice and mentoring from more experienced co-workers.

Diversity:

- How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?

Yes. These factors are immaterial to me with specific regard to how I interact with team members during execution of projects.

- Explain how you have used opportunities to promote the concept of diversity.

I always make an honest effort to develop good working relationships with coworkers no matter what their race, gender, age, religion or disability.

- Provide examples of how you effectively develop the diverse candidates under your supervision.

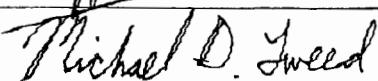
This question is not yet applicable, since I have only just begun directing the efforts of others.

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Development Action Plan: (to be established with your supervisor)

Continue to look for opportunities for Mike to develop his skills through project challenge. Continue to communicate closely with Mike to develop the skills necessary for success.

Supervisor		Date 2/18/2003
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2/18/2003 EE0C0000000397



Department No.	561
Division No.	75

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Michael D. Tweed	Employee Number:	34480
Supervisor:	Pete Howe	Review Date:	2/18/2003

Attach more pages if necessary.

Year in Review:

- > What were employee's accomplishments as related to last year's development action plan?

Mike has been involved in numerous projects over the last year. He has supported the Stine Haskell relief device documentation effort, and is presently taking a lead in addressing PHA items associated with recent reviews. Mike completed a Cooling Water evaluation / study for Mt Clemens, and provided good analysis of the problems they were experiencing with supply. Mike also supported the Ft Madison team with documenting devices for the SDP project. Mike also worked on an AgChem project for a site in Puerto Rico recently.

- > Did the employee make appropriate progress this year? Explain.

Mike has made good progress with understanding and becoming very familiar with BE&K systems, as well as understanding the clients requirements. Mike is beginning to take lead roles in small projects, has progressed in responsibility as planned.

Performance:

- > Identify employee's strengths.

Strong Technical Competency - Strong fundamental knowledge, and understanding of Chemical Engineering Principles. - Very client focussed. (Attitude and actions demonstrate desire to satisfy the client.)

- > Does this employee work safely?

Yes.

- > Identify employee's area(s) of needed improvement.

Mikes area of needed improvement is more related to execution of projects rather than the technical side. Mike is developing his project skills and will learn these skills on the job, as he gets more leadership roles over the next year.

On the technical side, Mike still tends to overstate the problem. Because Mike has such a good technical basis, he tends to want to detail a problem or solution more than sometimes necessary. What differentiates an excellent Engineer from a good engineer, is the ability to make judgements, and assumptions that simplify the problem. In the present market, we are required to do this more and more due to client pressure to do a good work at very low cost. Mike needs to adapt in this area, so as to be able to provide a lesser-detailed solution, (possibly more conservative), but at half the engineering cost. (An example of this is the work with Ag Chem at Puerto Rico recently.) (Discussed in more detail during our review meeting.)

Development:

- > What are the areas in which development and growth are needed?

1. Work on simplifying the problem with assumptions, and reducing the effort required coming up with acceptable solutions.
2. More experience in the Project Role, so as to develop the Project Management Skills.

- > What do you suggest to assist the employee in these areas?

Continue to communicate with Mike over specific technical issues and approaches to problems. I will ask Mike to work with me when he feels that he may be getting into a problem too deep. We can then explore options to simplify it. Mike will get this approach with a little bit more experience.

Provide Mike with more challenge as BE&K get more project opportunities.

Diversity:

- > How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?

Mike works well with all those around him.

- > List the accomplishments that demonstrate such commitment.

N/A

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Career Goals:

- > Comment on your evaluation of employee's potential in chosen career path.

Mike is on target to in the short term manage the process work on small projects, while developing the skills to lead larger project with larger teams of people under his direction.

- > What are your recommendations for development of the employee toward this goal?

Continue to look for opportunities for Mike to develop his skills through project challenge. Continue to communicate closely with Mike to develop the skills necessary for success.

Performance Criteria Rating (A, B, C, or D; use of + and — encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: A	Rating: B+	Rating: B	Rating: A	Rating: A	Rating: A-

Supervisor  Date 2/18/03

Employee Michael D. Tweed Date 2/18/03

Comments:

EEOC0000000398



Department No.	561
Division No.	75

Performance Planning and Review Employee's Review

Part I

(Self-evaluation by employee being reviewed)

Employee Name:	Juan Obed Perez	Employee Number:	32364
Supervisor:	Pete Howe	Review Date:	3/12/03

Attach additional pages if necessary.

Year in Review:

- What have you accomplished and how have you grown this past year based on the development action plan set last year?

My accomplishments for 2002 are as follows:

1) Acquired a higher level of understanding of a "lump sum" project during the execution of the Motiva - CCR Vent Stack Gas Scrubber project. The project went very well, it was completed on time but over the estimated man-hours. Learned how much more difficult it is to manage the man-hours in this type of project. Key Learnings was the importance of including the personnel executing the project as part the group preparing the project's estimate.

2) Broaden my knowledge base of pressure relief systems by attending a seminar sponsored by Dupont and also by the extensive pressure relief system work for the Dupont site in Altamira, Mexico.

3) Instrumental in assisting BE&K Business Development Group in establishing business relationship with ConocoPhillips - Bayway Refinery in Linden, New Jersey.

Performance:

- What are your greatest strengths?

My engineering skills, strong technical experience and ability to establish good rapport with the customers.

- How do you contribute to your safety and that of others?

By making sure everyone involved has a very good understanding of the safety regulations of the particular site in which our projects are being executed. Also making sure these safety regulations are enforced.

- What are the areas in which you need improvement?

Development:

- How do you plan to address the needed improvement?

Developing better ways to manage allocated man hours for projects, especially as Process Lead and to further develop my technical and managerial skills.

- What assistance do you need from your supervisor or others?

To provide training/guidance when necessary as well as support of my management.

Career Goals:

- What are your short and long range career goals?

To have a better understanding of the BE&K's project execution methodology. Also improve in my technical and managerial skills.

- Does your current position fit into that career goal?

To some extent it does, it depends on the type of assignment.

- What do you believe is needed to enhance your opportunity to achieve your goal?

A formal training opportunities to execute these concepts.

- What will you do to make progress in meeting those goals?

To take advantage of every opportunity given to me that allows me to excel in these areas.**Diversity:**

- How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?

Being a "minority" allows me to have a good understanding of how to treat people regardless of race, religion, sex or any disabilities.

- Explain how you have used opportunities to promote the concept of diversity.

By treating people with respect and sensitivity at all times.

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- Provide examples of how you effectively develop the diverse candidates under your supervision.

I will determine (with the assistance of the diverse candidate) his/her strengths and areas which need improvement. I will use the same standards that I will use for a nondiverse candidate. Just because we are dealing with a diverse candidate, it does not mean that he/she have to be treated with favoritism. Diverse candidates want to be treated fairly not different.

Development Action-Plan: (to be established with your supervisor)

When Obed arrives back from field assignment, work with him on budget management / work efficiency issues.

Supervisor

Date

3/27/03

Employee

Date

3/27/03 EOC00000000120



Department No.	561
Division No.	75

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Juan Obed Perez	Employee Number:	32364
Supervisor:	Pete Howe	Review Date:	3/12/03

Attach more pages if necessary.

Year in Review:

- What were employee's accomplishments as related to last year's development action plan?

Obed worked on the Motiva CCR Scrubber project as the Process Engineer. Project was completed with some engineering over runs for various reasons. Obed learned a lot about lump sum projects while working on this. Obed is presently working an assignment at Conoco Phillips in Bayway NJ. He will be assisting tech services on site for three + months.

- Did the employee make appropriate progress this year? Explain.

Obed has made progress in that he attended Relief Device training and learned the DuPont requirements around documenting these calculations. Obed also learned the concepts of managing time on lump sum projects. These learnings are expected to be used to ensure strict controls on future projects. Obed has been instrumental in securing work through some of the local refineries through his strong relationships that exist. Obed has been prepared to travel away from home to help us provide the services required by the client.

Performance:

- Identify employee's strengths.

Strong will to succeed, very good work attitude, and will to learn. Good field experience that brings a practical viewpoint to the office.

- Does this employee work safely?

Obed is well aware of the safety requirements around working on and around chemical sites.

- Identify employee's area(s) of needed improvement.

1. Management of time in relationship to clients expectations and budget. (Present mismatch between value of deliverables in relation to time spent on job)
2. Documentation of deliverables in clear concise manner, and on shared drives, so that we can be sure to be able to retrieve the latest revisions as required.

Development:

- What are the areas in which development and growth are needed?

1. Budget management
2. Document management.

- What do you suggest to assist the employee in these areas?

Work closely with Obed on next assignment to work on budget management, and change management. Also Obed needs to make definite steps to ensure that all documents are updated and kept current on the shared drives for projects.

Diversity:

- How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?

Obed has always treated everyone fairly and with respect.

- List the accomplishments that demonstrate such commitment.

N/A

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Career Goals:

- Comment on your evaluation of employee's potential in chosen career path.

Obed's short term career goals should be to demonstrate ability to manage projects, budget and change so that he can become a lead Process Engineer on projects.

- What are your recommendations for development of the employee toward this goal?

Work closely with Obed in his next assignment.

Performance Criteria Rating (A, B, C, or D; use of + and — encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: B	Rating: B	Rating: C (Change management)	Rating: B	Rating: C	Rating: C+

Supervisor

Date 3/27/03

Employee

Juan Obed Perez

Date 3/27/03

Comments:

OBED PEREZ

EEOC00000000121



Department No.	561
Division No.	75

Performance Planning and Review Employee's Review

Part I

(Self-evaluation by employee being reviewed)

Employee Name:	Robert W. Wunder	Employee Number:	33804
Supervisor:	Peter Howe	Review Date:	3/26/2003

Attach additional pages if necessary.

Year in Review:

- > What have you accomplished and how have you grown this past year based on the development action plan set last year?

Bio3G - I was able to do modeling of biotech processes, including fermentation, operations and separations. I communicated with multiple parties in a client alliance and felt I was able to establish good feelings for my work and BE&K in general. I learned a lot about fermentation, heat transfer, and filtration. I also sharpened my skills with modeling using spreadsheets.

Stine-Haskell - I did a lot of relief system analysis, documentation and consulting. My work helped establish a good reputation for BE&K with the contacts there and has led to additional work. I learned a lot about boiler operations and relief valves for steam.

Performance coatings - PHA support effort is still on-going

Performance:

- > What are your greatest strengths?

Technical problem solving and communication

- > How do you contribute to your safety and that of others?

I act as a consultant in PSM as needed, facilitate PHA's for multiple clients and serve on the BE&K-Delaware safety committee.

- > What are the areas in which you need improvement?

I need more experience with detailed engineering and project implementation. In anticipation of more life-science based work, I think training in fermentation, bioreactor design and/or separations technology would be beneficial

Development:

- > How do you plan to address the needed improvement?

I hope to gain experience on a major, long-term capital project such as Bio3G. If appropriate, I would like to attend a class or two pertaining to biotechnology and related process engineering.

- > What assistance do you need from your supervisor or others?

Opportunities for appropriate work assignments. Training courses

Career Goals:

- > What are your short and long range career goals?

My career goal is to provide technical support for bringing new technology from the laboratory and pilot plant into production and to act as an in-house consultant.

- > Does your current position fit into that career goal?

Yes

- > What do you believe is needed to enhance your opportunity to achieve your goal?

Opportunities for work in capital projects. Also, publishing articles would be useful for establishing credentials for consulting

- > What will you do to make progress in meeting those goals?

Whatever I can to help BE&K get capital projects such as Bio3G. Research economics of higher pressure vessels for relief valves and submit results for publication

Diversity:

- > How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?

I have always tried to keep an open mind and avoid judging people

- > Explain how you have used opportunities to promote the concept of diversity.

I don't feel I've had any real opportunities beyond the usual effort to make new people who fall into a "diverse" category feel welcome.

- > Provide examples of how you effectively develop the diverse candidates under your supervision.

N/A

Development Action-Plan: (to be established with your supervisor)

Attend Membrane training course in Philadelphia

Supervisor		Date	3/27/03
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Employee		Date	3/26/03
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Department No	561
Division No	75

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Robert W. Wunder	Employee Number:	33604
Supervisor:	Peter Howe	Review Date:	3/26/2003

Attach more pages if necessary.

Year in Review:

- > What were employee's accomplishments as related to last year's development action plan?

Two main activities over the past year have been the Stine Haskell projects which were Relief device documentation for existing devices, and the Bio3G project. Stine Haskell work went well. The project was controlled tightly to budget and schedule as per the clients requirements. The Bio3G project involvement was stop start, but gave Bob the opportunity to get some exposure to DuPont Biotech group, and hopefully setting him up for more involvement in the future. Bob provided high level modeling support in the fermentation and filtration areas.

- > Did the employee make appropriate progress this year? Explain.

Bob has learned a lot especially in the Biotech area, as he gets more exposure. All indications are that Bob will continue to work on the Bio3G project in the development of Flow Sheets and P&I diagrams over the next few months. Bob made very good progress in the areas of budget control and scope management while on the Stine Haskell project. Bob also received a letter from Lou Yurechko last year, thanking him for the excellent work done in support of Bio3G.

Performance:

- > Identify employee's strengths.

Bob has strong Technical abilities and is able to solve complex problems.

- > Does this employee work safely?

Bob is very involved with the Delaware safety program, and practices safety in design.

- > Identify employee's area(s) of needed improvement.

Bob needs to continue to develop his Project skills, so that he can provide services of a broad nature to our clients. These skills are becoming more and more important in today's market. Bob needs to continue his technical development in the Biotech area, and develop specific skills that our clients will need as this industry progresses.

Development:

- > What are the areas in which development and growth are needed?

Specific development of technical skills in the Biotech area.

Continued development of project skills such as schedule and budget control.

- > What do you suggest to assist the employee in these areas?

Bob should attend the AIChE training for "Industrial Separation Using Membranes" being held in Philadelphia June 11, 12.

Diversity:

- > How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?

Bob works very well with his colleagues. He has always treated all with respect.

- > List the accomplishments that demonstrate such commitment.

N/A

Career Goals:

- > Comment on your evaluation of employee's potential in chosen career path.

Bob has a strong interest in the link between R&D and Engineering. This is an area that will be more and more valuable especially in the Biotech area. Bob needs to make sure that his skills in this area are noticed and valued by the client if this career path is to be successful.

- > What are your recommendations for development of the employee toward this goal?

Continue to sell Bob's skills to our Biotech clients, and to ensure that Bob has a place on the Bio3G team.

Performance Criteria Rating (A, B, C, or D: use of + and - encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: A	Rating: B+	Rating: B	Rating: B	Rating: B-	Rating: B
Supervisor				Date	3/27/07
Employee				Date	3/26/03
Comments:					MW

B 11

D03370



Department No.	561
Division No.	75

561

Performance Planning and Review Employee's Review

Part I

(Self-evaluation by employee being reviewed)

Employee Name:	Jennifer Lin	Employee Number:	35022
Supervisor:	Peter Howe	Review Date:	Sep. 24, 2003

Attach additional pages if necessary.

Year in Review:

- What have you accomplished and how have you grown this past year based on the development action plan set last year?

This is my first year in BE&K

Performance:

- What are your greatest strengths?

Dedication, reliability, and easy-going

- How do you contribute to your safety and that of others?

Pay attention on safety issues. Inform and discuss the safety concerns with colleagues

- What are the areas in which you need improvement?

Organizing and managing skills

Development:

- How do you plan to address the needed improvement?

Learn from everyday's work, meetings, and trainings

- What assistance do you need from your supervisor or others?

Like to have some trainings on management techniques

Career Goals:

- What are your short and long range career goals?

Short: Develop management skill and improve technical capability to be able being a reliable process lead

Long: Using technical expertise to attract customer in order to get more projects

- Does your current position fit into that career goal?

Yes

- What do you believe is needed to enhance your opportunity to achieve your goal?

Have opportunities to be trained in management and technical areas

- What will you do to make progress in meeting those goals?

Lear from experienced co-worker and manager. Pay attention in dealing with customer**Diversity:**

- How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?

Accept and recognize the difference in culture, believes, age, ability, etc...

- Explain how you have used opportunities to promote the concept of diversity.

Effectively communicated with people who have different background, like age, company, and country

- Provide examples of how you effectively develop the diverse candidates under your supervision.

N/A

B 12

Development Action-Plan: (to be established with your supervisor)

If Panda does not proceed any further, we will assign Jennifer to another challenging project to be determined within the next two to three weeks as we get more information on Panda potential.

In addition to this, we will expose Jennifer to other of our clients where her skills may be of interest, and we will provide some Project Management type of training opportunity.

Supervisor

Date

9/24/03

Employee

Date

9/24/03
EEOC00000000472



Department No.	561
Division No.	75

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Jennifer Lin	Employee Number:	35022
Supervisor:	Peter Howe	Review Date:	Sep. 24, 2003

Attach more pages if necessary.

Year In Review:

- What were employee's accomplishments as related to last year's development action plan?

Jennifer joined BE&K a year ago, and was immediately assigned to the PANDA project. She developed a very good relationship with the DuPont leadership and proved very quickly to be a very important member of the project team. With DuPont doing more and more projects in China, Jennifer will continue to be a very important member of the BE&K Process department in providing very high value services.

- Did the employee make appropriate progress this year? Explain.

Jennifer has clearly demonstrated her superior technical skills over the past year, and together with great communication skills and logical thinking has positioned herself for a successful career at BE&K.

Performance:

- Identify employee's strengths.

Strong technical strength together with a well balanced and logical manner.

- Does this employee work safely?

Jennifer understands the impact of safe engineering design.

- Identify employee's area(s) of needed improvement.

Management skills. Jennifer will improve her skills in this area through more job experience in our business, but some project management training may be appropriate to help develop in this area.

Development:

- What are the areas in which development and growth are needed?

Jennifer needs to continue to work on projects along with senior process leads who can teach her and direct her skills in the Process lead and project engineering areas.

- What do you suggest to assist the employee in these areas?

Assign Jennifer to projects where she can be challenged in not only technical issues, but also management and leadership. Provide some Project Management training opportunities.

Diversity:

- How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?

Jennifer has been able to communicate and interact with a wide spectrum of cultures and has in her own life lived in and experienced many different cultures, which has helped in performing projects in other countries such as China.

- List the accomplishments that demonstrate such commitment.

N/A.

Career Goals:

- Comment on your evaluation of employee's potential in chosen career path.

Jennifer has realistic goals that fit in well with her present position and potential. Jennifer's skills are already attractive to our primary client - DuPont, and I am sure will result in more opportunities for our company.

- What are your recommendations for development of the employee toward this goal?

Provide exposure to clients and challenges to help grow all of the abilities mentioned above.

B 13

Performance Criteria Rating (A, B, C, or D; use of + and — encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: A	Rating: A	Rating: A	Rating: A	Rating: B	Rating: A
Supervisor				Date	9/24/03 <i>[Signature]</i>
Employee	<i>Jennifer Lin</i>		<i>Peter Howe</i>	Date	9/24/03 <i>[Signature]</i>
Comments:					

EEOC00000000473



BE&K EMPLOYEE TERMINATION RECORD

(To be completed by Department Manager and forwarded to Birmingham Benefits Office)

I. Resignation

Name: _____ Emp.#: _____

Div.: _____ Dept.: _____ Job Title: _____

Last Day Worked: _____ Termination Date: _____

Specific reason for resignation: _____

Eligible for rehire? _____ Yes _____ No _____ Conditional (Explain) _____

Signature of Employee _____ Date: _____

Signature of Dept. Mgr. _____ Date: _____

II. Termination

Name: Juan Obed Perez Emp.# 1564Div.: 504 Dept. 561 Job Title: Senior Eng.Last Day Worked: 11/21/03 Pay Through Date: _____Lump Sum Severance Pay (optional): 2 WEEKS Vacation Pay: ✓Salary Continuation to (optional): _____ PTO Payout: ✓Specific reason(s) for termination: COBRA-Paid by Company: 2003 N/A
Excessive Absenteeism/Tardiness Reduction in Force
Unsatisfactory Performance Other (explain)B 14

Was Employee Previously Warned? _____ Yes _____ No _____ N/A

Eligible for hire? ✓ Yes _____ No _____ Conditional (Explain) _____

X Signature of Employee: Juan Obed Perez Date: 11-21-03
 Signature of Dept. Mgr: JOB Date: 11/20/03

2003 TERMS

Name	Gender	Race	Age	Performance Rating	Years of Service	Comments	Vacation Entitlement	Severance	Paid Cobra
Keith Parker	M	W	52	Outstanding	7	R.O.F.			
Elmer "Mo" Riddle	M	W	44	Outstanding	2	Trans. Ind. Svc			
George Bonnewell	M	W	54	Highly Eff.	2	Resigned			
Jerome Cassell	M	W	48	Outstanding	15	Trans. Bham			
James Kilch	M	W	60	Highly Eff.	9	Trans. Bham			
Glen DiElettorio	M	W	40	Highly Eff.	6	Resigned			
Hubert Brown	M	B	52	Highly Eff.	6	R.O.F.			
Curtis Combs	M	W	68	Highly Eff.	1	Retired			
Milton Davis	M	B	43	no rating	2	Trans. Bham			
Karl Haller	M	W	74	Outstanding	6	R.O.F.			
Brian Hennessy	M	W	47	Highly Eff.	8	R.O.F.			
Dung Hoang	M	A	46	Highly Eff.	7	R.O.F.			
Tracey Mulveny	F	W	33	Highly Eff.	2	Resigned			
Paul Taylor	M	W	56	Highly Eff.	7	R.O.F.			
Mark Valinote	M	W	57	Highly Eff.	7	R.O.F.			
Robert Williamson	M	W	60	Highly Eff.	5	R.O.F.			
Terry Long	M	W	63	Highly Eff.	8	Resigned			
Marshall Moody	M	W	63	Highly Eff.	9	Retired			
Jerry Yarbrough	M	W	66	Highly Eff.	2	R.O.F.			
Lisa Cariello	F	W	37	Outstanding	7	Trans. To Raleigh			
John Connolly	M	W	58	Outstanding	10	Resigned			
Robert Helfrich	M	W	64	Highly Eff.	2	Retired			
Antonio IauIaji	M	H	59	Highly Eff.	2	Resigned			
Joyce Oliffe	F	W	62	Highly Eff.	11	Resigned			
Winstead Reed	M	W	61	Outstanding	11	Retired			
Donald Tincher	M	W	56	no rating	9 mos.	Trans.			
Warren Whiteford	M	W	39	Highly Eff.	7	Resigned			
Saundra Clark	F	B	50	Highly Eff.	7	R.O.F.			
Fred Ellis	M	W	56	Highly Eff.	11	Trans. To Bham			
Bill Ellsworth	M	W	31	Outstanding	2	Resigned			
Brandon Jamison	M	W	16	no rating	1	Resigned			
Elizabeth Rogers	F	W	56	Highly Eff.	4	Dismissed			
Diane Snyder	F	W	59	Highly Eff.	3	R.O.F.			
William Watson	M	W	64	Highly Eff.	1	R.O.F.			
Valerie Word	F	B	49	Highly Eff.	11	R.O.F.			
Donna Zangaro	F	W	42	Highly Eff.	2	R.O.F.			
Johnny Miller	M	W	47	Highly Eff.	1	R.O.F.			
Patt Nowland	F	W	45	Outstanding	2	Resigned			
Bill Prickett	M	W	17	no rating	1	Resigned			
Carolyn Jensen	F	W	36	Outstanding	7	Resigned			
Edward Loveland	M	W	60	Highly Eff.	11	Retired			
Thomas McKinnon	M	W	68	Highly Eff.	6	R.O.F.			
Andrew Pastorek	M	W	65	Highly Eff.	6	R.O.F.			
Robert Walentis	M	W	63	Highly Eff.	2	R.O.F.			

2003 TERMS

Name	Gender	Race	Age	Performance Rating	Years of Service	Comments	Vacation Entitlement	Severance	Paid Cobra
Roger Dutton	M	W	26	A	1	Resigned			
Angelito P. Flores	M	4	62	C	8	R.O.F.			
William L. Ross	M	6	54	B	5	Terminated			
Clifford E. Poindexter	M	1	50	B	2	R.O.F.			
James L. Johnson	M	6	44	C	3	Resigned			
Robert J. Koch	M	6	63	B+	8	R.O.F.			
Vincent L. Jones	M	6	53	B+	8	R.O.F.			
Kenneth R. Mason	M	6	38	B-	9	R.O.F.			
Frederick P. Van Bergen	M	6	41	C+	7	R.O.F.			
William R. Finkbiner	M	6	56	C	11	R.O.F.			
Joseph J. Romeo	M	6	57	B	11	R.O.F.			
Robert A. DelleDonne	M	6	43	B	7	R.O.F.			
Jeffrey C. Eckerson	M	6	32	B	2	R.O.F.			
Juan Obed Perez	M	2	54	C+	4	R.O.F.			
Beth E. Peterson	F	6	46	B	6	R.O.F.			
Lydia G. Bune	F	4	63	C	3	R.O.F.			
Diane L. Hall	F	6	50	B	12	R.O.F.			
Charles E. Conaway	M	1	58	B	11	R.O.F.			
William H. Baker	M	6	59	B	9	R.O.F.			
Patricia Harris	F	6	45	B-	9	R.O.F.			



Department No.	561
Division No.	504

Performance Planning and Review Employee's Review

Part I
(Self-evaluation by employee being reviewed)

Employee Name:	Michael D. Tweed	Employee Number:	2061
Supervisor:	Pete Howe	Review Date:	2/18/2004

Attach additional pages if necessary.

Year in Review:

- What have you accomplished and how have you grown this past year based on the development action plan set last year?
- 1) Led a 0.5 MM small interdisciplinary effort to address PHA recommendations for the Powerhouse and Tank farm at DuPont's Stine Haskell Facility. 2) Co-lead an effort to develop a set of material and energy balance flowsheets for the DuPont Front Royal facility. 3) Process lead on 14.0 MM project for Silver Expansion and Paste Intermediates for DuPont's DEMI production facility in Manati, Puerto Rico. Established track record of continuous experience in lead process and lead small project roles. Currently leading several small projects including a scrubber performance upgrade in Manati Puerto Rico, and two small projects for the Mt. Clemens, Michigan Performance Coatings plant including: a) an HVAC secondary hot water loop system and b) a group of multi-scenario Pressure Relief Design Records.

Performance:

- What are your greatest strengths?
- 1) Technical Competency 2) Planning 3) Ability to communicate and work with a wide cross-section of people from different backgrounds 4) Attitude geared towards achieving client satisfaction 5) Ability to combine multiple skills and capabilities within various types of project settings to assist clients in reaching stated objectives - i.e. Utility. 6) Ambassadorial skills.
- How do you contribute to your safety and that of others?
- I hold safety as a top priority whenever involved with project design functions. I observe any and all home office safety protocols.
- What are the areas in which you need improvement?
- 1) Need to continue improving organizational approach to larger project execution. 2) Need to continue improving client interaction within context of project leadership roles when the opportunity arises.

Development:

- How do you plan to address the needed improvement?
- 1) Through observation and inquiry with knowledgeable people while performing normal and ongoing job functions.
2) By implementing new strategies based on lessons learned from past projects.
- What assistance do you need from your supervisor or others?
- 1) Access to new project experiences. 2) Access to coursework or seminars whose topics are applicable to my job function.

Career Goals:

- What are your short and long range career goals?
- Long range goal: To manage and participate in the development and execution of large engineering projects.
Short range goal: To continue development of knowledge and skills necessary to execute large engineering projects (i.e. long range goal).
- Does your current position fit into that career goal?
- My current position and its current attendant responsibilities are consistent with my goals for future growth and development.

- What do you believe is needed to enhance your opportunity to achieve your goal?
- 1) Access to new projects that give exposure to variations in: responsibilities, interdisciplinary interaction, and specific job functions.
- What will you do to make progress in meeting those goals?

I will continue to conduct myself professionally in all interactions with our clients to enhance the potential for repeat business. I will execute my work with technical competency, and seek advice and mentoring from more experienced co-workers whenever beneficial.

Diversity:

- How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?
- These factors are immaterial to me, especially with specific regard to how I interact with team members during execution of projects.
- Explain how you have used opportunities to promote the concept of diversity.
- I always make an honest effort to develop good working relationships with coworkers no matter what their race, gender, age, religion or disability. I respect everyone's point of view, and endeavor to promote and elicit co-participation on projects with everyone I work with.
- Provide examples of how you effectively develop the diverse candidates under your supervision.

While leading the Stine Haskell and Front Royal efforts described above, nurtured a team project environment while stressing the importance of inclusivity of all team members. Working this way with others allows everyone to take part in assuring project success.

Development Action Plan: (to be established with your supervisor)

Mike to be given leadership opportunities and help as required.

Supervisor

Date

3/11/04

Employee

Michael D. Tweed

Date

3/1/04



Department No.	561
Division No.	504

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Michael D. Tweed	Employee Number:	2061
Supervisor:	Pete Howe	Review Date:	2/18/2004

Attach more pages if necessary.

Year in Review:

- What were employee's accomplishments as related to last year's development action plan?

Mike has done a good job of juggling many jobs over the past year mainly for DuPont I technologies in Puerto Rico. Mike was expected to take more leadership over the past year and has performed as expected.

- Did the employee make appropriate progress this year? Explain.

Mike took on more responsibility and leadership roles over the past year, and is continuing to take on this responsibility as we progress over the next few months. Mike has become more confident in his knowledge and capability to handle the lead roles and ability to make sound decisions. Mike has worked hard to earn the trust of his clients and colleagues to a point where both like and want to work with him.

Performance:

- Identify employee's strengths.

Technical basis is excellent. Ability to solve difficult problems of highly technical nature is excellent. Very strong customer focus.

- Does this employee work safely?

Mike understands safety in our office and work environment well.

- Identify employee's area(s) of needed improvement.

Mike needs to continue developing in the area of balancing effort vs client requirements. Mike still sometimes goes deeper and more multi dimensional than the real solution requires. Mike and I discussed the need to hold back on jumping to detail with internal and external clients, until he has had the chance of formulating the problem in his own mind, and can minimize interaction that some of our less detail oriented clients may not be wanting to have. Mike is always willing to learn from others.

Development:

- What are the areas in which development and growth are needed?

Mike has done very well in developing in the area discussed above. Mike should continue along the same lines and continue to develop these skills through more responsibility and challenging leadership projects.

- What do you suggest to assist the employee in these areas?

Within the constraints of the economy, provide as much diversified experience opportunities and responsibility as possible to develop Mike to be the lead engineer and Project Manager that he is interested in being.

Diversity:

- How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?

By treating all alike.

- List the accomplishments that demonstrate such commitment.

N/A

Career Goals:

- Comment on your evaluation of employee's potential in chosen career path.

Mike's career goals are in line with expectations and his abilities.

- What are your recommendations for development of the employee toward this goal?

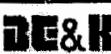
Mike has developed very well over the past year, and will continue to do well with more challenging opportunities. We will try to provide these for Mike.

Performance Criteria Rating (A, B, C, or D; use of + and - encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: A	Rating: B+	Rating: B	Rating: A	Rating: A	Rating: A-
Supervisor				Date	3/1/04
Employee	<i>Michael D. Tweed</i>	<i>S. H.</i>	<i>RBS</i>	Date	<i>3/1/04</i>
Comments:					

B 18

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Department No.	561
Division No.	504

Performance Planning and Review Employee's Review

Part I

(Self-evaluation by employee being reviewed)

Employee Name:	Robert W. Wunder	Employee Number:	1888
Supervisor:	Peter Howe	Review Date:	03/19/2004

Attach additional pages if necessary.

Year In Review:

> What have you accomplished and how have you grown this past year based on the development action plan set last year?
 The delays and ultimate loss of the Bio3G project forced me into "survival mode". I did attend the AIChE course on filtration and created mass and energy balances for Bio3G and Front Royal, but the majority of my time was spent doing PHA's for DuPont and Motiva. I have learned a lot about bio-based separations, facilitating and documenting PHA's using Shell® standards, and putting material balances into Excel® spreadsheets. The multitude of small projects has also forced me to learn more about scheduling and budget.

Performance:

> What are your greatest strengths?

Technical problem solving and communication

> How do you contribute to your safety and that of others?

I act as a consultant in PSM as needed, facilitate PHA's for multiple clients and serve on the BE&K-Delaware safety committee.

> What are the areas in which you need improvement?

I need more experience with detailed engineering and project implementation. In anticipation of more life-science based work, training in bio-related technology would be beneficial. Evaporation should be a major part of most bio-based processes and would be a good choice if available

Development:

> How do you plan to address the needed improvement?

I hope to gain experience on a major, long-term capital project. If appropriate, I would like to attend a class or two pertaining to biotechnology and related process engineering. I hope to make use of contacts through Bio3G to be considered for new Bio-based product work

> What assistance do you need from your supervisor or others?

Opportunities for appropriate work assignments. Training courses.

Career Goals:

> What are your short and long range career goals?

My career goal is to provide technical support for bringing new technology from the laboratory and pilot plant into production and to act as an in-house consultant

> Does your current position fit into that career goal?

It has the potential, but the short-term prospects are not good. There is a high demand for my skills with PHA's and low demand for process engineering. Hopefully this will change at some point and we can take advantage of new opportunities.

> What do you believe is needed to enhance your opportunity to achieve your goal?

Opportunities for work in capital projects. Also, publishing articles would be useful for establishing credentials for consulting

> What will you do to make progress in meeting those goals?

Whatever I can to help BE&K get capital projects such as Bio3G. Network and publish if possible.

Diversity:

> How have you exhibited sensitivity to individuals regardless of race, sex, age, religion, or disability?

I have always tried to keep an open mind and avoid judging people.

> Explain how you have used opportunities to promote the concept of diversity.

I don't feel I've had any real opportunities beyond the usual effort to make new people who fall into a "diverse" category feel welcome.

> Provide examples of how you effectively develop the diverse candidates under your supervision.

N/A

Development Action-Plan: (to be established with your supervisor)

Bob should start estimating what it will take to write a paper about relief device set pressures and pressure vessel design pressures and the economics of this relationship. We would like to publish this paper and present it at AIChE or DIERS.

Supervisor

Date 3/26/04

Employee

Date 3/26/04



Department No.	561
Division No.	504

Supervisor's Review

Part II

(To be completed by supervisor following employee self-evaluation)

Employee Name:	Robert W. Wunder	Employee Number:	1888
Supervisor:	Peter Howe	Review Date:	03/19/2004

Attach more pages if necessary.

Year In Review:

- > What were employee's accomplishments as related to last year's development action plan?
Bob supported the BIO3G project very well, and completed the Heat and Material balances for some of the flow areas. Bob also developed Heat and Material Balances for Front Royal. The remaining time was spent facilitating PHA's for DuPont and Motiva. Bob is well respected in the safety area, and is asked for by name to facilitate this type of work.

Did the employee make appropriate progress this year? Explain.

Bob has impressed both Front Royal clients and Bio3G clients with his professional attitude and ability to perform the high level tasks. Bob did attend some training in Membrane systems / micro filtration etc, and got experience on some of this area on the BIO3G project.

Performance:

- > Identify employee's strengths.
Bob has strong technical abilities and is able to solve complex problems.
- > Does this employee work safely?
Bob is very involved with the Delaware safety program, and practices safety in design.
- > Identify employee's area(s) of needed improvement.
Bob needs to continue to develop in the area of detail design, be able to function in a flexible environment, and possibly be more assertive in driving matters / meetings / open issues to completion.

Development:

- > What are the areas in which development and growth are needed?

We discussed the possibility of further training in evaporation as it pertains to the Biotech arena. Still looking for detailed engineering opportunities to further develop Bob's Detail skills.

What do you suggest to assist the employee in these areas?

Bob will look into Evaporation training, and we will hopefully have more detailed project opportunities over the next year to assign to Bob.

Diversity:

- > How has the employee demonstrated a personal and corporate commitment to the concepts of diversity?
Bob works very well with his colleagues. He has always treated all with respect.
- > List the accomplishments that demonstrate such commitment.
N/A

Career Goals:

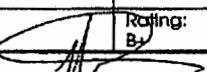
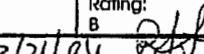
- > Comment on your evaluation of employee's potential in chosen career path.

There is very little opportunity in the near future to work on the transfer of R&D knowledge to Project Basis. Short term opportunities in this area are not likely, and we need to be looking more into areas where we can be involved in Front end Loading heat and material balance development.

What are your recommendations for development of the employee toward this goal?

More technical training, and a project opportunity to assign to Bob.

Performance Criteria Rating (A, B, C, or D; use of + and - encouraged as appropriate)

Quality of work	Initiative	Communication Skills	Team Contributor	Ability to lead and motivate	Annual Rating
Rating: A 	Rating: B+	Rating: B	Rating: B	Rating: B-	Rating: B
Supervisor				Date	3/21/04 
Employee				Date	3/26/04
Comments:					

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974

Delaware Department of Labor

ENTER CASE NUMBER

- FEPA
 EEOC

04040398X

17cA400390

and EEOC 17c-2004-00390

(State, or local Agency, if any)

NAME (Indicate Mr., Mrs., Ms)
Juan Obed PerezHOME TELEPHONE NO. (Include Area Code)
(302) 633-9409STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
2615 Heritage Farm Drive Wilmington DE 19808 NCC

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)

NAME NO. OF EMPLOYEES OR
B E & K Engineering MEMBERS 250 TELEPHONE NUMBER (Incl. Area Code)
(302) 452-9022STREET ADDRESS CITY, STATE AND ZIP CODE
242 Chapman Road, Newark, DE 19702

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE

<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> AGE	DATE DISCRIMINATION TOOK PLACE
<input type="checkbox"/> RETALIATION <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)	EARLIEST 3/1/1999
	LATEST 11/21/2003
	<input type="checkbox"/> CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s):

I am a male individual over 40 who began working with the Respondent on 3/99 as a Senior Process Engineer. Since the beginning of my employment, I received good performance reviews. On or about 1/03, Pete Howe, Manager informed me that work load was slow and things looked pessimistic. I continued to work as instructed, however I noticed that the company began hiring a college graduate in 3/03 and contractual person in or about 11/03. In a conversation with Mr. Howe, I addressed the issue of BE&K hiring a recent college graduate when there was hardly any work for me. I was told that Respondent needs to start hiring younger people to rejuvenate the working force, although it was emphasized that I was laid off because of the lack of work.

Respondent ultimately laid me off on 11/21/03 with expectations for my return to work if the workload increased, as a result I have not been retained or contacted.

I believe that I have been discriminated against in violation of the Age Discrimination in Employment Act (ADEA) based on my age (over 40) because: 1. Respondent made statements regarding the need for younger workers; 2. Respondent laid me off because of slow work while hiring other younger workers in my group; 3. Respondent has not contacted me regarding my return to work since my lay-off; 4. I believe that my lay-off was due to salary considerations in regards to age not because of a reduction in the work force. As a result, Respondent hired younger workers with lower salaries.

<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	SIGNATURE OF COMPLAINANT
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct. <i>J. Obed Perez</i> Date _____ Charging Party (Signature) 04/02/04	NOTARY - (When necessary to meet State and Local Requirements)
Subscribed and sworn to before me this date _____	
(Day, month, and year) _____	

**BE&K
ENGINEERING
COMPANY**

A subsidiary of BE&K, Inc.



Telephone: 205-972-6602
Fax: 205-972-6698
E-Mail: boulern@bek.com

July 21, 2004

RECEIVED - EEOC
PHILADELPHIA, D.C.
04 JUL 26 PM 1:43

VIA FACSIMILE & U.S.P.S.

Mr. Alfred L. Harris
Enforcement Manager
U.S. Equal Employment Opportunity Commission
Philadelphia District Office
21 South 5th Street, Suite 400
Philadelphia, PA 19106

Re: EEOC#: 17C-2004-00390
Charging Party: Juan O. Perez
Respondent: BE&K Engineering

Dear Mr. Harris:

Plaintiff, Juan O. Perez, formerly worked for Defendant BE&K Engineering Company ("BE&K") in the classification of Senior Engineer. Mr. Perez claims that he was terminated because of his age (over 40) in violation of the Age Discrimination in Employment Act (ADEA).

Mr. Perez was laid off in November 2003, as part of a series of reductions resulting from a downturn in BE&K's business that began in 2003 and have continued through June 2004. The Delaware Office has continued to lose business, and as a result has not been able to support the employee population in that region, which caused reductions in force. All reductions in force were based upon lack of billable work for the available employee qualifications. To put the decrease in business in perspective, our office had 630 employees at its peak. We now have approximately 300. Our business is like that of a law firm. If we do not have enough work to keep employees billable we have to cut back.

Mr. Pete Howe, the Manager of the Process Department, made the decision that Mr. Perez would be one of the employees laid off. From the outset, I should say that BE&K strongly denies that Mr. Perez's age had anything whatsoever to do with Mr. Howe's decision to select him for layoff. As we will explain, Mr. Howe made this decision strictly on the basis of legitimate business considerations.

Obed was an average performer in the Process Group. He was hired during a time when the Delaware Regional Office was working on large projects and required a mix of employees from average to high-level leaders. Since he was hired in 2000, the economy in our industry has been severely affected. It resulted in this office no longer performing the large projects that allowed us to utilize engineers such as Obed. Currently we perform more small projects.

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Alfred L. Harris
July 21, 2004
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Obed did not have the skills needed to perform in this small-project environment. We attempted to give him opportunities but he was unable to succeed.

- Obed was asked to lead a small project at the Edgemore Plant of DuPont. He ended up failing in this effort, making a very unhappy client due to the amount of money expended with little control over what was going on within that small project. He clearly did not manage well, and that negatively impacts this office in obtaining repeat business from the client. The client lost confidence in this office due to a project being poorly run.
- Obed was asked to work on a scrubber job for another client, Motiva. Obed did not succeed in this effort. He struggled to control costs once again. His leadership was lacking and he did not manage this small project job well either.

After it became apparent that cutbacks were going to be necessary, Mr. Howe initiated a process designed to identify the appropriate employees for layoff. He evaluated the employees in the Process Group to determine who had the more flexible skill sets and job success, utilizing job evaluations. Mr. Perez's rating was the lowest in the group.

Mr. Perez graded particularly low in leadership and management skills. Because of these deficiencies, Mr. Howe had found it difficult to place him on the small projects, which have become our core business.

It is true that we have continued to have a small number of hires of entry-level people. We have made a commitment to the future of our profession through local colleges and particularly the In-Roads program that is designed to provide entry-level opportunities to minority engineering students. The work these people perform is obviously very simple, low level, and low compensated. It is in no way analogous to the work performed by senior engineers, such as Mr. Perez, and it clearly would be insulting and inappropriate to claim that Mr. Perez should perform such functions.

Please be advised that Mr. Perez is subject to an employee dispute program at BE&K which we call the Employee Solution Program (ESP). As part of this program, Mr. Perez has agreed to submit employee disputes to arbitration, the cost of which is almost entirely paid for by the Company. While employees are required to participate in this arbitration, the arbitration outcome is non-binding. We offer this program to EEOC as a way to provide a full hearing for these claims and a significant saving in the government's resources. If you would care to defer a decision on this case until after the arbitration is completed, we would be happy to proceed to have that procedure started. Since the arbitration is non-binding, Mr. Perez would be able to proceed to an action in court if he felt that was in his interest. I enclose for your reference a copy of our ESP program brochure.

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If you need anything else from us prior to the mediation, please let me know.

Sincerely,

Nick Bouler /rgt

Nicholas Bouler
Deputy General Counsel

NB\pgt
Enclosure

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**BE&K
ENGINEERING
COMPANY**

A subsidiary of BE&K, Inc.



Telephone: 205-972-6602
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August 6, 2004

RDE
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PHILADELPHIA, PA

VIA FACSIMILE & U.S.P.S.

Mr. Alfred L. Harris
 Enforcement Manager
 U.S. Equal Employment Opportunity Commission
 Philadelphia District Office
 21 South 5th Street, Suite 400
 Philadelphia, PA 19106

Re: EEOC#: 17C-2004-00390
 Charging Party: Juan O. Perez
 Respondent: BE&K Engineering

Dear Mr. Harris:

Respondent, BE&K Engineering Company ("BE&K") submits the following responses to your 3 requests for documentation in your letter of July 27, 2004:

1. The list of employees in the Delaware Process Group that were laid off/discharged during the period from June 2003 through May 2004 is attached.

2. No employee was directly recalled to BE&K. We have filled positions with two temporary workers supplied by AllStates Technical Services, Inc., a sister company. As noted on the attached list, two former employees have been hired by AllStates.

Andrea Gerwig: Her expertise is in Relief Device Documentation. Client needed this specific expertise and knew Andrea's skills were a good fit. Workload in Relief Device Documentation picked up for a limited period, and so Andrea was hired to do this work on an hourly contract for the duration of this effort.

Dick Robbins: He has specific experience in Teflon production. Our client needed someone who knew their process and staff to help develop the engineering basis for a new project that was awarded to us after Dick was laid off. Dick was asked to come back for the duration of this project.

3. All reductions in force were based upon lack of billable work for the skill sets available. We strongly deny that Mr. Perez's age had anything to do with this decision - the decision was strictly on the basis of legitimate business considerations. All of the affected employees were protected by the ADEA.

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August 6, 2004
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Obed was an average performer in the Process Group. He was hired during a time when the Delaware Regional Office was working on large projects and required a mix of employees from average to high-level leaders. Since he was hired in 2000, the economy in our industry has been severely affected. It resulted in this office no longer performing the large projects that allowed us to utilize engineers such as Obed in various capacities. Currently we perform more small projects, which ironically requires more skill sets.

Obed did not have the skill sets to perform in this current environment. We attempted to give him opportunities to prove that he could perform as such, and he was unable to succeed.

- Obed was asked to lead a small project at the Edge Moore Plant at DuPont. He ended up failing in this effort, with a very unhappy client due to the amount of money expended with little control over what was going on within that small project. He clearly did not manage well, and that negatively impacts this office in obtaining repeat business from the client. The client lost confidence in us due to a project being poorly run.

- Obed was asked to work on a scrubber job for another client, Motiva. Obed did not succeed in this effort. He struggled to control costs once again. His leadership was lacking and he did not manage this small project job well either.

Our business has continued to decline for reasons beyond our control, including globalization. We were able to win smaller projects, however, clients sent larger projects overseas. As a regional office, we have been faced with reductions in force for the past several years due to business conditions. We have seen our work change from Large Project Work to Small Project Work. To demonstrate the volatility of our business, we've been as large as 630 people and are presently at approximately 300 employees.

In the large project work we formerly had our employees could possess fewer skill sets due to the volume of work. However, in small project work, our employees need more skills - technical, managerial (finance and people), and interpersonal relationships (closer to client). Through no fault of our own, our business changed, and we, as an organization had to adapt. The skill sets that allowed Mr. Perez to work on large projects were not transferable to small projects. We have no way to employ people when we cannot match their skill sets with the marketplace.

After it became apparent that cutbacks were going to be necessary, Mr. Howe initiated a process designed to identify the appropriate employees for layoff. He evaluated the employees in the Process Group to determine who had the more flexible skill sets and job success. The tool he utilized was job evaluations. Mr. Perez's rating was the lowest in the group.

Mr. Perez graded particularly low in leadership and management skills. Because of these deficiencies, Mr. Howe had found it difficult to place him on the small projects, which have become our core business.